

ASSEMBLY BILL

No. 2841

Introduced by Assembly Member Ma

February 22, 2008

An act to add Section 2259.9 to the Business and Professions Code, relating to medical procedures.

LEGISLATIVE COUNSEL'S DIGEST

AB 2841, as introduced, Ma. Medical procedures: reusable adipose cannula.

Existing law, the Medical Practice Act, establishes the Medical Board of California under the Department of Consumer Affairs, which licenses physicians and surgeons and regulates their practice. Existing law requires specified disclosures to patients undergoing procedures involving collagen injections, defined as any substance derived from, or combined with, animal protein. Existing law also requires the board to adopt extraction and postoperative care standards in regard to body liposuction procedures performed by a physician and surgeon outside of a general acute care hospital. Existing law makes a violation of these provisions a misdemeanor.

This bill would enact the Reusable Adipose Cannula Full Disclosure Act, which would require a physician and surgeon to provide specified written disclosures to a patient prior to that patient undergoing any adipose medical procedure, as defined, for which a reusable adipose cannula, as defined, is to be used. The bill would define adipose as tissue made up of fat cells located beneath the skin, and adipose cannula, generally, as the device used to remove adipose from, or inject adipose into, a patient. The bill would also provide that a violation of these provisions would not constitute a crime.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
2 Reusable Adipose Cannula Full Disclosure Act.
- 3 SEC. 2. Section 2259.9 is added to the Business and Professions
4 Code, to read:
- 5 2259.9. (a) Prior to any adipose medical procedure in which
6 a reusable adipose cannula is to be used, the physician and surgeon
7 performing the procedure or a member of his or her staff shall, in
8 writing, disclose to the patient or legal guardian of a minor patient
9 all of the following:
- 10 (1) The reusable adipose cannula has been used on other patients
11 to perform an adipose medical procedure.
- 12 (2) The number of patients for which the reusable adipose
13 cannula has been used to perform adipose medical procedures.
- 14 (3) The length of time that the reusable adipose cannula has
15 been in use by the physician and surgeon.
- 16 (4) The process by which the reusable adipose cannula has been
17 cleaned, sterilized, and stored after each adipose medical procedure.
- 18 (5) That an alternative to reusable adipose cannulas may be
19 available for the adipose medical procedure in the form of
20 disposable adipose cannulas.
- 21 (b) The disclosure required in subdivision (a) shall be signed
22 by the patient or the legal guardian of a minor patient prior to the
23 adipose medical procedure being performed. The signed disclosure
24 shall be maintained in the patient's medical records file.
- 25 (c) The disclosure described in subdivision (a) shall not be
26 required if the reusable adipose cannula is being used for the first
27 time.
- 28 (d) Section 2314 shall not apply to this section.
- 29 (e) For purposes of this section:
- 30 (1) "Adipose" means tissue made up of fat cells located beneath
31 the skin.
- 32 (2) "Adipose cannula" means any device that is inserted into
33 the body of a patient for the removal of adipose from, or for the
34 injection of adipose into, the body of that patient.

1 (3) “Adipose medical procedure” means any procedure to
2 remove adipose from the body of a patient or to inject a patient’s
3 own adipose into the body of that patient.

4 (4) “Disposable adipose cannula” means an adipose cannula
5 that is used on a patient during an adipose medical procedure
6 followed by disposal of that cannula. A disposable adipose cannula
7 is not used on more than one patient.

8 (5) “Patient” means a natural person.

9 (6) “Reusable adipose cannula” means an adipose cannula that
10 is used on multiple patients, followed by cleaning, sterilization,
11 and storage after each adipose medical procedure.